

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: DIGITEK PRODUCTS LIABILITY
LITIGATION**

**MDL Docket No. 1968
2:08-md-01968 (JRG)**

This Document Relates To: ALL ACTIONS

**PRAYER FOR RELIEF TO FILE APPLICATION FOR PSC AFTER
OCTOBER 20, 2008 AND APPLICATION OF W. MARK LANIER
FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

NOW INTO COURT comes W. Mark Lanier, pursuant to Pre-Trial Order No. 2, and respectfully files the within application for appointment to the Plaintiffs' Steering Committee of the Digitek Products Liability Litigation, MDL Docket No. 1968.

Mr. Lanier stands ready to assume a leadership role in the Digitek Litigation and will devote his time, considerable talent and personal and professional resources to seeing this project through to a successful conclusion. Mr. Lanier currently holds a position on the PSC in the *In Re: Avandia Products Liability Litigation* in the Eastern District of Pennsylvania. Mr. Lanier, a spellbinding orator, has tremendous personal charm and a proven ability to work cooperatively with attorneys both in the plaintiff and defense bar to reach consensus wherever possible. Mr. Lanier's unique combination of unparalleled trial skills and professional experience in the field of complex litigation will prove invaluable in advancing the Digitek litigation to resolution as it did the Vioxx litigation, where he was lead trial counsel in three of the trials successfully taken to verdict (*Ernst v. Merck; Cona, McDarby v. Merck; and Hermans v. Merck*).

W. Mark Lanier is the founder of The Lanier Law Firm, where he serves as the firm's lead litigation counsel. Mr. Lanier has significant courtroom experience and is recognized as one of the top trial lawyers in the United States. *The National Law Journal (NLJ)* has frequently recognized Mr. Lanier: in 1998, he was named one of Nation's Top 10 Trial Attorneys; in 2005, one of the Country's

40 top attorneys under the age of 40; and in 2006, one of Nation's Top 10 Trial Attorneys and one of the 100 Most Influential Lawyers in America. Recently, he was named by *The American Lawyer* magazine as one of the Nation's top 45 attorneys under the age of 45. In a statewide survey of his legal peers published by *Texas Monthly* magazine, Mr. Lanier was selected a "Texas Super Lawyer" in 2003, 2004, 2005, and 2006. The *Texas Lawyer* newspaper named Mark Lanier: in 2002, one of the top 5 "Go To" plaintiffs' personal injury attorneys in Texas; in 2005, "Impact Player of the Year"; and in 2007, the top "Go To" plaintiffs' personal injury attorneys.

Mr. Lanier's ability to work cooperatively and obtain consensus is evidenced by the numerous significant settlements which he has negotiated for his clients across the United States, including:

- A settlement for Retractable Technologies, a syringe manufacturer, in an antitrust case against industry giant Becton Dickinson and Company, the world's largest manufacturer of medical syringes and needles.
- In 1993, a substantial verdict for a small oil company in a business fraud case against one of the nation's largest oil providers.
- In 1998, one of the largest asbestos verdicts in U.S. history for 21 asbestos victims; and
- Beginning in 2005, substantial jury verdicts in the Vioxx litigation which were instrumental in achieving settlement of the litigation for all Vioxx clients.

Mr. Lanier is certified as a personal injury trial specialist by the Texas Board of Legal Specialization, and is licensed to practice law in New York state, all Texas state and federal courts, and the U.S. Supreme Court. Mr. Lanier is a member in good standing of the New York and Texas State bar and has never been suspended, placed on inactive status or reprimanded. Mr. Lanier has fully staffed offices in New York, California and Houston, from which he represents numerous

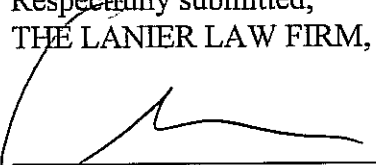
clients in mass tort actions including: Digitek (MDL 1968), Avandia (MDL 1871), Vioxx (MDL 1657), Bextra/Celebrex (MDL 1699), Heparin (MDL 1953); Asbestos, Kugel Mesh (MDL 1842), Fosamax (MDL 1789), ReNu (MDL 1785), Viagra (MDL 1724), Zyprexa (MDL 1596), and AMO. The Lanier Law Firm also maintains an active and diverse practice outside of the mass tort field, representing individuals, corporations, associations and governmental entities in courtrooms across the United States.

Mr. Lanier is enthusiastically involved in government and community activities outside the practice of law. He serves on the Board of Trustees of the Committee for Economic Development, a nonprofit, nonpartisan organization that addresses ongoing critical economic and social issues facing society. Mr. Lanier is often called on by chairmen, presidents, and senior executives from major American corporations and universities for his respected business views on national and international issues, such as dangerous foreign product imports. Mr. Lanier is also frequently asked to instruct other attorneys about his trial techniques in seminars held across the nation. Mr. Lanier is also the founder of the Christian Trial Lawyers Association, a nonprofit organization whose goal is to create a network of principled attorneys to minister to others through civic-minded endeavors.

WHEREFORE, W. Mark Lanier respectfully requests appointment to the Plaintiffs' Steering Committee.

Dated: May 8, 2009

Respectfully submitted,
THE LANIER LAW FIRM, PLLC



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